

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the 1974 Louisiana Constitution, and the inherent power of this Court, and considering the need to amend Rule X of the Rules of this Court,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

Part 1. Louisiana Supreme Court Rule X, Section 3(5) is amended, and subparts 6, 7, 8, 9 and comments are added, to read as follows:

Section 3. Writ Applications; Civil; Contents.

In civil cases, a writ application shall contain:

* * *

5. An appendix containing a copy of the trial court's judgment, order or ruling and reasons for judgment, if reasons were written or transcribed, and the court of appeal's order and opinion, if any, including rulings and opinions on rehearing or applications therefor.

6. Other pleadings or documents shall not be filed, unless their inclusion is essential to demonstrate why the application should be granted. Other pleadings or documents shall be bound separately from the writ application and shall not exceed twenty-five pages.

7. The Clerk will not accept for filing any other pleadings or documents if the twenty-five page limit is exceeded. The applicant shall have seven days from the date the filing is rejected to file other pleadings or documents that conform to this rule.

8. Briefs filed in the court of appeal shall not be attached. The court may require the submission of any additional documents or information that it deems useful to its consideration of the application.

9. Applications in cases where an application has been previously filed and is pending may refer to the documents or exhibits attached to the previous application without the necessity of filing additional copies.

Official Comments

Excessive and irrelevant pleadings and documents included with writ applications are burdensome to the court and are strongly discouraged. In cases where the applicant believes the inclusion of exhibits are absolutely necessary to his or her argument, the applicant should limit the scope of those materials to ensure they relate to the subject matter of the application. For example, if an applicant attaches a deposition, it should be limited to those pages which clearly relate to the subject matter of the application. Ordinarily, there is no need to attach pleadings filed in the lower courts, such as petitions, answers, exceptions, appellate briefs, etc. In no event shall the applicant file more than twenty-five pages of other pleadings or documents. The filing of condensed deposition or trial transcripts, reducing multi-page exhibits to one page, and other artifices designed to circumvent the twenty-five page limit are prohibited and will be grounds for rejecting the other pleadings and documents. If the

court determines additional materials are necessary for its review, the court may request supplementation.

Part 2. Louisiana Supreme Court Rule X, Section 4 be and is hereby amended to read as follows:

Section 4. Writ Applications; Criminal; Content.

In criminal cases, a writ application shall contain:

* * *

5. A copy of the judgment, order or ruling and opinion or reasons for judgment, if any, of the court of appeal, including rulings and opinions on rehearing or applications therefor;

6. An appendix, separately bound from the writ application, containing:

(a) A copy of the charging document filed in the court of original jurisdiction, if specifically relevant to the writ application;

(b) A copy of the minutes of the proceedings in the trial court, if specifically relevant to the judgment or order under review;

(c) Copies of briefs of all parties filed in the court of appeal relevant to the issues raised by the application;

(d) Where relevant to the writ application, a copy of the judgment, order or ruling of the trial court, and the reasons for same, if written or transcribed, and a copy of the pleadings on which the order or ruling is founded;

(e) A copy of the order of the trial judge fixing the time for filing the application in this court, if such be required by Section 5(b) of this rule, and of any extension thereof, or if a copy is not readily available, an affidavit of the applicant or counsel indicating the contents of the order and explaining why the order is not available;

(f) The inclusion of other documents is discouraged, with the exception of transcripts of relevant judicial proceedings. The court may require the submission of any additional documents or information that it deems useful to its consideration of the application;

(g) Applications in cases where an application has been previously filed and is pending may refer to the documents or exhibits attached to the previous application without the necessity of filing additional copies.

Only an original and duplicate copy of the separately bound appendix shall be filed with the writ application.

Part 3. Louisiana Supreme Court Rule X, Section 6 be and is hereby amended to read as follows:

Section 6. Writ Applications; Oppositions.

Any party may file and serve an opposition memorandum, setting forth reasons why the application should not be granted. The opposition must be filed within fifteen days of the filing of the application unless the time for filing is extended by order of the court. The opposition memorandum should be as brief as possible, and must not exceed twenty-five pages in length.

Other pleadings or documents shall not be filed with the opposition memorandum, unless their inclusion is essential to demonstrate why the application should not be granted. In the event any other pleadings or documents are filed, they shall be bound separately from the opposition memorandum and shall not exceed twenty-five pages.

The Clerk will not accept for filing any other pleadings or documents if the twenty-five page limit is exceeded. The applicant shall have seven days from the date the filing is rejected to file other pleadings or documents that conform to this rule.

When the application requests emergency action or a stay order, any party desiring to oppose such action should file the opposition to such action immediately upon receipt of a copy of the application.

Oppositions serve an important purpose in assisting the court in the exercise of its discretionary jurisdiction. As such, the court encourages the filing of oppositions.

This Order shall become effective on June 1, 2007, and shall remain in full force and effect thereafter until amended or changed through future Orders of this Court.

New Orleans, Louisiana, this _____ day of _____, 2007.

FOR THE COURT:

Pascal F. Calogero, Jr., Chief Justice